

From: jtatum@ns1.ccandg.com@inetgw
To: Microsoft ATR
Date: 12/12/01 3:40pm
Subject: Microsoft Settlement

Renata B. Hesse,

I feel compelled to tell you that as a consumer I feel disenfranchised by the results of the antitrust case against Microsoft. While I use many of their products, I do not wish them to continue having the godlike powers which they currently have in the marketplace as it would continue to put big holes in my pocket. Currently, there are several trends which keep and will keep Microsoft on top.

The first of these is that Microsoft collects more "tax" on every computer sold than any government in the world. This is because you have to pay for Microsoft software whether you want it or not. Microsoft's argument is that the refund for said software should come from the OEM, while the OEM claims the refund should come from Microsoft. Frankly, I am content with Windows 95 and will continue to use it for as long as it remains a viable product. The biggest reason for this? I can do every function that is currently available on the newer operating systems with much better performance. Why? smaller faster Kernel is why. Microsoft's decision to integrate Internet Explorer and Media Player into their OS have stolen system performance, so I have no interest in upgrading to the latest greatest Microsoft OS, yet the MS deal with OEMs basically forces me to pay an MS tax if I want new hardware. This is major gripe number 1. I want to be able to buy a computer from a major manufacturer (Compaq, Dell, HP, IBM,) without having to buy a new OS.

Major gripe number two. MS has announced that it will no longer support Windows 95 or Windows NT. If they are no longer going to support it, they should have to release the source code so we can support it ourselves. I think this should be the case for all products that MS chooses not to support. They should have to make a choice, continue support in perpetuity or release the source code. They should also have to release the source code on any product on which the patent has run out. I myself can not write code for beans, but there are many people out there who can and do. This would allow the users to provide their own support. This is especially important with regards to security fixes and drivers.

Major gripe number three. Prior to going into the antitrust hearings, MS had to provide information regarding APIs to anyone who wished to write code. Period. If I wanted to write software that would work on the MS OS, all I had to do was purchase the development kit and I would get all the APIs necessary to code functioning software. I am concerned that this will no longer be the case with the new agreement. It could

put an end to shareware and freeware. Specifically I refer to Section III(J)(2) which states that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Let me give you two examples. One: I am a small PNP who needs to write a custom software package to manage the tasks which I perform for the community. Because what I do involves the personal information of people in general and US Citizens in particular, I want that information to be secure. Under the old arrangement MS would have had to provide this information to me, under the new deal MS no longer has to provide me this information. Two: I am a programmer who gets an idea. I want to develop this idea on my own or with the help of a few friends. This idea involves me providing content through MS new .NET channel. I am not a business, so MS does not have to provide me with any documentation, etc. Suddenly my idea, which might have earned me a small fortune and significantly increased my tax obligation to the US Government, is completely unworkable because MS determines that I am not a business and therefore chooses not to provide me with the information I need in order to have THE FREEDOM TO CREATE:. Those words, the freedom to create, combined with the freedom to innovate, are the words that MS used to beat the US DoJ over the head with again and again. It should be noted that, when they say that, MS really means the freedom for MS to create or the freedom for MS to innovate, especially if it will put a competitor out of business. This is the MS version of freedom. For these reasons, I think it should be law that ALL APIs, Documentation and Communication Protocols related to any product have to be available to EVERY US Citizen who requests it. PERIOD. This should also apply to everyone, not just Microsoft. Anything else gives MS an unfair advantage in the marketplace, all of which means that I will have to pay more and more for MS products as they gain marketshare in an area. If we do not force MS to keep this information freely available, then MS will do the same thing that they did with Office and Internet Explorer and Media Player and...the list goes on and on. They will develop proprietary protocols, in what they claim is "the interest of performance," which will not interact well with anything except their proprietary protocol. They will use this to become so powerful that they will be able to defy the US Government with impunity. Excuse me, I forget, they have already done that and won when they released Windows 98.

As regards Section III(D), I would like to see the addition of Government Agencies (that's right, the current language does not FORCE MS to release this information to the government, do you think they will do it voluntarily?) and finally I think there should be a clause added which states "...and any other party or parties who wish to create software or hardware that will interact with or use a Microsoft Product." By adding this phrase to the language, the only requirement I have for getting information from MS about how to interact with their products is that I wish to create. Note that I am not advocating that

MS give me the source code for their product, but rather access to their APIs, the documentation for the APIs, and any and all communication protocol information required to use their authentication for what I want to create.

One final comment. This has to do with recommending a change to copyright/patent laws. The truth is that software code is obsolete in 5 years. Windows 95 gave way to Windows 98 in only 3 years. Windows NT version 4 gave way to Windows 2000 in 4 years. Windows 2000 gave way to Windows XP and Windows .NET Server in less than 2 years. For this reason I propose that copyrights for software be limited to five (5) years. Companies have already gotten all of their R&D money and a good bit of profit out of it by then anyway. I further recommend making this change retroactive to all source code ever written. Remember, the idea behind copyrights and patents was to allow companies exclusive rights to their products or licensing fees for their products so that they could recoup their investment. This typically happens with software in one to five years, hence the recommendation for a five year copyright/patent on software.

Thank you for your very kind attention,

John Tatum
jtatum@email.com